



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

WILLIAM EUGENE WEBB,  
Petitioner,

vs.

MATTHEW B. HAMIDULLAH, Warden;  
STEVE LABEIR;  
ALBERTO GONZALES; and  
HAROLD WATTS,  
Respondents.

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CIVIL ACTION NO. 0:06-422-HFF-BM

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ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE  
MAGISTRATE JUDGE AND DISMISSING PETITIONER'S HABEAS CORPUS PETITION  
*WITHOUT PREJUDICE* AND  
WITHOUT REQUIRING RESPONDENTS TO FILE AN ANSWER

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This case was filed as a habeas corpus action pursuant to 28 U.S.C. § 2241. Petitioner is proceeding *pro se*. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that the Court dismiss Petitioner's Section 2241 petition *without prejudice* and without requiring Respondents to file an answer. The Report is made in accordance with 28 U.S.C. § 636, and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on June 20, 2006. Petitioner failed to file any objections to the Report. In the absence of objections, the Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that Petitioner's petition is hereby **DISMISSED** *without prejudice* and without requiring Respondents to file an answer. .

**IT IS SO ORDERED.**

Signed this 11th day of July, 2006, in Spartanburg, South Carolina.

s/ Henry F. Floyd  
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HENRY F. FLOYD  
UNITED STATES DISTRICT JUDGE

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NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.